

REQUEST FOR PROPOSALS (RFP)

APPENDIX R: RFP QUESTIONS & ANSWERS

**Exchange Agreement for the
U.S. Department of Transportation
Volpe National Transportation Systems Center
Cambridge, MA**

8-10-2016

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The following groups of questions are categorized by topic solely for organizational purposes. As many of the solicitation documents are connected, a question may be located with similar questions and not necessarily with the reference noted by the inquiring Respondent.

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GROUP A: DISCLOSURE OF CLARIFICATIONS

A.1.1 QUESTION:

RFP, Section F.1.6(d), page 17: Section F.1.6(d), page 17, of the RFP provides “information provided to a potential Respondent in response to a question may not be disclosed if doing so would reveal the potential Respondent’s confidential business strategy.” If a Respondent marks a questions as confidential, and the GSA determines that the information should not be given confidential treatment, will the GSA treat the question as withdrawn?

ANSWER:

If a question is marked as confidential by a Respondent but raises an issue that has bearing on the RFP and that GSA believes all Respondents need to be aware of, GSA would work with the one Respondent to re-write the question in such a way as to address the issue without exposing any confidential information. The revised question and answer would then be made available to all Respondents in accordance with RFP Section F.1.6(d).

If a question is marked as confidential by a Respondent but does not raise an issue that GSA believes all Respondents need to be aware of, GSA may provide the answer to just the Respondent that asked the question.

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GROUP B: REQUESTS FOR ADDITIONAL DOCUMENTS

B.1 b(5)

B.1.1 b(5)

B.1.2 b(5)

B.2 b(5)

B.2.1 b(5)

B.2.2 b(5)

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b(5) [REDACTED]

B.2.3

b(5) [REDACTED]

B.3

b(5) [REDACTED]

B.3.1

b(5) [REDACTED]

GROUP C: REQUEST FOR PROPOSAL

C.1.1 QUESTION:

Section A

Please confirm that the “continuing validity” of a Respondent’s proposal does not mean that a Respondent cannot withdraw its proposal, but rather that a Respondent may not alter its proposal once submitted.

ANSWER:

Proposals may be withdrawn by written notice at any time before award.

C.2 Replacing or Adding Key Personnel / Respondent Team Members

C.2.1 QUESTION:

The RFP at Section A.(c) states “the entities and Key Personnel named in the Respondent’s Phase I RFQ response (the Respondent, Financial Partner, Respondent’s Principal-in-Charge and Respondent’s Senior Project Manager) may only be replaced or removed in this Phase II RFP or thereafter with GSA’s express written approval, subject to its sole discretion.” If a Respondent desired to replace or remove any Key Personnel named in the Respondent’s Phase I RFQ prior to the proposal submission deadline, should Respondent seek GSA’s written approval prior to the submission deadline or include the request for replacement or removal as part of the proposal submission? If the request is required to be submitted prior to the submission deadline, how much time prior to the submission deadline does GSA need to provide a written approval or to reject the Respondent’s request in time for Respondent to submit its proposal with the change to Key Personnel?

ANSWER:

Respondents desiring to replace or remove any Key Personnel named in the Phase I RFQ should include the request as part of the proposal submission.

C.2.2 QUESTION:

Assuming the respondent successfully meets all of the prescribed financial requirements on its own, may it add a Financial Partner, acceptable to the Authority, for the completion and delivery of the New Facility after designation?

ANSWER:

The Financial Partner(s) can be the same as the Respondent or a separate entity(ies), but must include at a minimum any Financial Partner identified in the Respondent’s Phase I RFQ submission. The selected Exchange Partner may add additional financial partners at a later point(s) in the Exchange Agreement. See RFP Sections C.4 and C.9.

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C.3 Exchange Parcel

C.3.1 QUESTION:

Section B.1

The last sentence states that the Exchange Parcel will comprise the portion of the Property not utilized for the New Facility. Is it up to the Exchange Partner as part of the design process to determine what comprises the Exchange Parcel? When would the property be subdivided?

ANSWER:

The portion of the Property that the New Facility will be constructed upon will be shown on a plan to be attached to the Exchange Agreement as Exhibit B. The Exchange Partner and the Government may mutually agree, however, to alter the size and location of that portion of the Property during the design phase process. At the time of the Closing, the Government will convey the Exchange Parcel to the Exchange Partner. Although the Government is not subject to subdivision laws, a metes and bounds description and a recordable plan will be provided to the Exchange Partner for recording with the deed.

C.4 Due Diligence

C.4.1 QUESTION:

RFP General

Will the successful Respondent be allowed to continue physical due diligence after the award but prior to execution of the Exchange Agreement?

ANSWER:

The Government may allow the selected Respondent access to conduct physical due diligence during the period after selection of the Exchange Partner but prior to execution of the Exchange Agreement. Notwithstanding the foregoing, it is understood that the Government will not grant any request that interferes with any use or operation of the Volpe Center without providing acceptable mitigation.

C.4.2 QUESTION:

Section B.5

Will the Government be willing to cooperate in obtaining reliance letters from the consultants providing the diligence information? Would the Government entertain a due diligence period (to run concurrently with the Design Selection process) for the selected Respondent to perform due diligence and testing at the project site? If not, what opportunities for due diligence will there be for the Respondents and/or the selected Exchange Partner to perform additional due diligence?

ANSWER:

The Government may be willing to assist the Exchange Partner in obtaining a reliance letter from the Government's environmental consultant. The Government may allow the selected Respondent access to conduct physical due diligence during the period after selection of the Exchange Partner but prior to execution of the Exchange Agreement. Notwithstanding the foregoing, it is understood that the Government will not grant any

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request that interferes with any use or operation of the Volpe Center without providing acceptable mitigation.

C.5 [REDACTED]

C.5.1 [REDACTED]

C.6 [REDACTED]

C.6.1 [REDACTED]

C.7 Proposal Confidentiality

C.7.1 QUESTION:

Section E.2 (h) and (j)

Please confirm that (i) the Government will hold business and all offer information confidential regardless of these provisions, and (ii) in the event of any FOIA or similar request by any third party for release, the Government shall provide each Respondent the opportunity to redact such information.

ANSWER:

See RFP Section E.2(m) and, as noted therein, 41 C.F.R. Part 105-60 and other implementing regulations concerning the release of such information to third parties pursuant to the Freedom of Information Act ("FOIA"). Each Respondent shall clearly and conspicuously mark all information submitted—in its proposal or otherwise—that it considers confidential and not releasable.

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C.7.2 QUESTION:

The RFP at Section E.2(j) states: “The Government reserves the right to retain all the materials and information, and the ideas and suggestions therein, submitted in response to this RFP. By submitting a proposal in response to this RFP, the Respondent acknowledges, accepts, and agrees that all such materials, information, ideas and suggestions retained shall become the property of the Government.” (a) Does this Government right to retain and appropriate Respondent materials and information apply to the materials and information marked as confidential in accordance with Section E.2(m). (b) Does the Government intend to retain and appropriate all material and information submitted by all Respondent’s at the time of submission of proposals or only the material and information of the successful Respondent for use in performance of the contract.

ANSWER:

- a) Paragraphs (j) and (m) of RFP Section E.2 are mutually exclusive. Although the materials, information, ideas, and suggestions identified in paragraph (j) shall become the property of the Government, the Government still has the responsibility to uphold certain nondisclosure provisions that are incorporated into FOIA and other federal statutes.**
- b) One copy of proposals will be retained by the Government. Extra copies of the proposals may be destroyed or returned to the Respondent at the Respondent’s request and expense.**

C.7.3 QUESTION:

In accordance with Section E.2(m) of the RFP, Respondents are permitted to submit confidential information not to be released to third parties and such information “must be clearly and conspicuously so marked.” If Respondents will be submitting such confidential information should Respondents use the marking instructions found at federal acquisition regulation clause 52.215-1(e) or does GSA have other marking instructions that should be followed.

ANSWER:

GSA does not have marking instructions to be followed; each Respondent shall determine how to best mark information so that it is clear and conspicuous that the Respondent considers the information confidential and not releasable in accordance with RFP Section E.2(m). Note: the language found at FAR 52.215-1(e) is specific to the “disclosure and use of data.”

C.8 Formatting

C.8.1 QUESTION:

Section F.1.4(d), page 15

Section F.1.4(d), page 15 states that “The original and each required hard copy [of the Proposal] shall be in a 3-ring binder or “GBC” bound.” Should Volumes I through V of the Proposal be individually bound or should all volumes be bound together in a single hard copy?

ANSWER:

Each volume shall be individual bound. RFP Section F.1.4(d) has been clarified in RFP Amendment 01.

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C.8.2 QUESTION:

Please confirm that the preliminary project schedule (Gant Chart format) is considered to be outside the 25-page limit for the Project Management Plan and may be presented in 11 x 17 inch format.

ANSWER:

The project schedule in (Gantt chart format) required in RFP Section F.4.2 shall be excluded from the 25-page limit for Volume III, Tab 2 and may be printed on 11x17-inch paper if necessary. RFP Sections F.1.3 and F.1.4 have been clarified in RFP Amendment 01.

C.8.3 QUESTION:

Please confirm that the team organization chart is considered to be outside the 25-page limit for the Project Management Plan and may be presented in 11 x 17 inch format.

ANSWER:

The project organizational chart required in RFP Section F.4.2 shall be excluded from the 25-page limit for Volume III, Tab 2 and may be printed on 11x17-inch paper if necessary. RFP Sections F.1.3 and F.1.4 have been clarified in RFP Amendment 01.

C.8.4 QUESTION:

Page 22 states that the narrative summary “shall be limited to two (2) pages or less” – can the narrative pages include images? Can some narrative appear on top of images, as long as the total narrative would still be less than 2 pages if it was all together?

ANSWER:

The answer is a qualified “yes.” However, in accordance with RFP Section F.1.3, the Government cautions that if narrative summaries required by RFP Section F.3.3 appear on top of images and, as a result, are difficult to read, the submissions may result in lower ratings or may be rejected completely.

C.8.5 QUESTION:

Page 22 states that “up to three (3) 8x10-inch illustrations may be included for each project” – can those “illustrations” be multiple images combined in the 8x10-in space?

ANSWER:

The answer is a qualified “yes.” However, in accordance with RFP Section F.1.3, the Government cautions that if the illustrations included in response to RFP Section F.3.3 are composed of multiple images combined in the 8x10-inch space and, as a result, are difficult to see, the submissions may result in lower ratings or may be rejected completely.

C.8.6 QUESTION:

Can the text be formatted in two columns (particularly in the design firm sections)?

ANSWER:

The RFP is open to formatting text into multiple columns so long as the submission is not difficult to read, as noted in RFP Section F.1.3.

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C.9 Past Performance Questionnaires

C.9.1 QUESTION:

Do completed reference questionnaires for the developer have to be resubmitted to the GSA if the same references are being used as were previously submitted in response to the RFQ?

ANSWER:

All questionnaires required by the RFP must be submitted in strict accordance with the RFP instructions. See also RFP Section A(j): “...the Phase I RFQ responses were evaluated on a Go/No Go basis, whereas the Phase II RFP responses will be evaluated on the basis of best value...”

C.9.2 QUESTION:

Section F.1.7

Please confirm that the Past Performance Questionnaires are to be submitted directly to the Contracting Officer by the third parties and are not to be submitted by the Respondent as part of the Proposal. Will the Government notify the Respondent if certain third parties have not submitted the Past Performance Questionnaires and allow for an opportunity to cure?

ANSWER:

See RFP Section F.1.7(b), questionnaires are required to be submitted by the third-party references directly to the Contracting Officer. The questionnaires shall not be included in the proposal volumes submitted by the Respondent.

In accordance with RFP Section F.1.7(b), the Respondent is responsible for choosing third-party references that are willing to complete and submit the past performance questionnaires in advance of the deadline for proposals. It is the responsibility of the Respondent to confirm with the third-party references that each questionnaire has been submitted.

C.9.3 QUESTION:

Must Respondents limit the past performance questionnaires to the minimum required by the RFP, or will the Government consider additional past performance questionnaires, so long as Respondent's proposal is in compliance with the RFP page limit. If so, will additional, favorable, past performance questionnaires be considered an advantage for evaluation purposes.

ANSWER:

The requirements for questionnaires are quantities as stated in the RFP.

See RFP Section F.1.7(b), questionnaires are required to be submitted by the third-party references directly to the Contracting Officer. The questionnaires shall NOT be included in the proposal volumes submitted by the Respondent; thus, the questionnaires are not included in the volume/tab page limits.

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C.9.4 QUESTION:

RFP Section F.3.1 “Tab 1 – Subfactor 1: Development Qualifications and Past Performance”
Pages 18-20

In F.3.1 (b) (2), the RFP provides a detailed definition of third party references, including references for which the respondent is the project owner, lender/financing source and lead tenant. In F.3.1 (c) (5), however, no such definition of third party references is included for personnel references. Does the same requirements apply if the personnel references are related to projects owned, financed, and tenanted by the respondent?

ANSWER:

See revisions to RFP Sections F.3.1(c)(5), F.3.2(b)(2), and F.3.2(c)(7) in RFP Amendment 01. If these revisions change who would serve as a third-party and a questionnaire has already been submitted on behalf of a Respondent Team, the Respondent shall notify the Contracting Officer and Contract Specialist of any withdrawals prior to the deadline for proposals. All questionnaires shall still be submitted directly to the Contracting Officer with copies to the Contract Specialist in advance of the deadline for proposals per the RFP.

C.9.5 QUESTION:

RFP Section F.3.2 “Tab 2 – Subfactor 2: Construction Qualifications and Past Performance
Please confirm that the requirements for third party references in F.3.2 (b) (2) also apply to the third party references for contractor’s personnel in F.3.2 (c) (7)

ANSWER:

See changes to RFP Sections F.3.1(c)(5), F.3.2(b)(2), and F.3.2(c)(7) in RFP Amendment 01. If these revisions change who would serve as a third-party and a questionnaire has already been submitted on behalf of a Respondent Team, the Respondent shall notify the Contracting Officer and Contract Specialist of any withdrawals prior to the deadline for proposals. All questionnaires shall still be submitted directly to the Contracting Officer with copies to the Contract Specialist in advance of the deadline for proposals per the RFP.

C.10 Past Performance and Key Personnel Matrices

C.10.1 QUESTION:

RFP Appendix C and D

Can the same project be listed in appendix C and appendix D as a reference for both the Respondent and the General Contractor?

ANSWER:

Yes.

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C.11 General Contractor

C.11.1 QUESTION:

Section C.9, page 7 and Section F.3.3, Pages 20-21

Section C.9, page 7 states the Respondent Team must include the General Contractor. If the General Contractor is a joint venture comprised of two separate general contracting firms, one of which is the managing member, will the GSA consider the work history, including the corporate qualifications and experience, and the past performance, of each general contracting firm?

ANSWER:

The Government will consider the independent qualifications and past performance as well as the experience of the general contractors working together and with the Respondent.

The Respondent shall submit one version of Volume II, Tab 2 and shall determine how the construction qualifications and past performance are best represented when responding to the requirements of RFP Section F.3.2.

C.11.2 QUESTION:

Section C.9, page 7 and Section F.3.3, Pages 20-21

Section C.9, page 7 states the Respondent Team must include the General Contractor. If the General Contractor consists of a lead general contracting firm and a consulting general contracting firm as a subcontractor to the lead general contracting firm, will the GSA consider the independent history, including the corporate qualifications and experience, and past performance, of each general contracting firm?

ANSWER:

The Government will consider the independent qualifications and past performance as well as the experience of the general contractors working together and with the Respondent.

The Respondent shall submit one version of Volume II, Tab 2 and shall determine how the construction qualifications and past performance are best represented when responding to the requirements of RFP Section F.3.2.

C.12 Lead Design Firm / Lead Designer

C.12.1 QUESTION:

Section C.9, page 7 and Section F.3.3, Pages 22-26

Section C.9, page 7 states that the Respondent Team must include, at minimum, 3 Lead Designers from three (3) distinct design firms. If a design firm consists of (i) a design firm at which the Lead Designer is a principal and (ii) an architect of record design firm as a subcontractor to the lead design firm, will the GSA consider the independent work history, including corporate qualifications and performance, of each design firm (as well as the qualifications of the identified Lead Designer)?

ANSWER:

See RFP Section D.1 and RFP Appendix L. Full design teams shall not be submitted in the Stage 1 of the Design Team Selection Process in response to the RFP; only the Lead Design

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Firms and Lead Designers shall be submitted at this time. The architecture firm of record will not be evaluated until Stage 2 of the Design Team Selection Process.

C.12.2 QUESTION:

Section C.9, page 7 and Section F.3.3, Pages 22-26

Section C.9, page 7 states that the Respondent Team must include, at minimum, 3 Lead Designers from three (3) distinct design firms. If a design firm is a joint venture comprised of two separate design firms, will the GSA consider the independent work history, including corporate qualifications and performance, of each design firm (as well as the qualifications of the identified Lead Designer)?

ANSWER:

See RFP Section D.1 and RFP Appendix L. Full design teams shall not be submitted in the Stage 1 of the Design Team Selection Process in response to the RFP; only the Lead Design Firms and Lead Designers shall be submitted at this time. The architecture firm of record will not be evaluated until Stage 2 of the Design Team Selection Process.

C.12.3 QUESTION:

Section D requires three Lead Design Firms be proposed and that after notification of the selected Respondent, the Government and Respondent will jointly select the Design Team. Will the Design Team be selected from one of the three Design Teams proposed by the successful Respondent or will the Government have the option of selecting a Design Team other than one of the three proposed by the successful Respondent. If the Government will have the option of selecting a Design Team other than one of the three proposed by Respondent, does the Government anticipate that such an option may change Respondent's estimated costs for the Design Phase. If so, will the Government issue a change order to cover any increase in cost resulting from the Government selecting a Design Team other than one proposed by the successful Respondent.

ANSWER:

One (1) of the three (3) Lead Design Firms/Lead Designers proposed by the successful Respondent will be selected. Note: Full design teams shall not be submitted in the Stage 1 of the Design Team Selection Process in response to the RFP; only the Lead Design Firms and Lead Designers shall be submitted at this time. After the Government selects an Exchange Partner, the three (3) Lead Design Firms/Lead Designers included in the selected Respondent's proposal will assemble their full Design Teams and go through Stage 2 of the Design Team Selection Process described in RFP Appendix L, by which the Government and selected Respondent will jointly select one Design Team proposed by the three (3) Lead Design Firms/Lead Designers.

C.13 Site Plan and Massing Plan

C.13.1 QUESTION:

Please confirm that the Government has no preference for the location of the New Facility with the overall site and will not evaluate the proposed location within the overall site. If it will be

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evaluated, what technical criterion will the Government use to evaluate one site plan location over another?

ANSWER:

The Government does not have a preferred location on the Property for the New Facility Parcel. However, the proposed location will be evaluated as described in RFP Section G.4: Non-Price Factor B: Technical Approach. Additionally, a site plan, massing plan, and/or narrative that is inconsistent with the remainder of the Respondent's technical approach may cause a proposal to receive lower ratings.

C.13.2 QUESTION:

Section F.4.1 Tab 1 – Subfactor 1: Site Plan and Massing Plan; Paragraph A (Page 24 of RFP) Please confirm that only one site plan and massing plan is required to be submitted with the RFP rather than three (i.e. Respondent only needs to provide one rather than one from each designer)?

ANSWER:

Confirmed.

C.13.3 QUESTION:

Please describe the level of detail to be provided as part of the “massing plan.” Please provide more clarity regarding the evaluation of the massing plan and what factors will result in a better technical score.

ANSWER:

See changes to RFP Section F.4.1 in RFP Amendment 01: “The massing plan shall, at a minimum, show the size and volume of the New Facility.”

C.13.4 QUESTION:

Given the fact that the City of Cambridge has not completed the rezoning of the site - which was expected to add significant density and revise height and set-back standards - are the General Services Administration and Department of Transportation willing to exceed zoning requirements including height, set-back, open space, and other City of Cambridge requirements in order to optimize the development?

ANSWER:

Consistent with 40 U.S.C. 3312(c), the New Facility shall be designed taking into consideration the requirements (except procedural requirements) of the City of Cambridge zoning laws. However, the design of the New Facility is not subject to such zoning laws or other local land use laws. The Government has no formal role in the zoning of the Exchange Parcel.

C.13.5 QUESTION:

RFP, Page 24, section F.4.1(a), paragraph 1: We understand the government is not subject to local zoning but takes local zoning into consideration in planning its facilities. Will GSA accept submission of a preliminary massing for the replacement building that does not conform to current City of Cambridge zoning ordinance on the site?

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ANSWER:

Yes, as long as the submission meets all of the requirements of the RFP and SOW, GSA will accept submission of a preliminary massing for the New Facility that does not conform to current City of Cambridge zoning. Consistent with 40 U.S.C. 3312(c) the New Facility shall be designed taking into consideration the requirements (except procedural requirements) of the City of Cambridge zoning laws. However, the design of the New Facility is not subject to such zoning laws or other local land use laws.

C.13.6 QUESTION:

RFP General

Will the Government please confirm that it is its desires to have the New Facility conform to all local zoning standards and timeline for entitlement?

ANSWER:

The New Facility does not need to conform to all local zoning standards but shall be designed in a manner consistent with 40 U.S.C. 3312(c) which requires that the design of New Facility shall take into consideration the requirements (except procedural requirements) of the City of Cambridge zoning laws. However, the design of the New Facility is not subject to such zoning laws or other local land use laws.

C.13.7 QUESTION:

Draft Exchange Agreement, Page 12, article VI, paragraph 1: Will the government require the New Facility to comply with the City of Cambridge Zoning, Parking, and Transportation Demand Management Ordinance and/or other local land use laws?

ANSWER:

Consistent with 40 U.S.C. 3312(c) the New Facility shall be designed taking into consideration the requirements (except procedural requirements) of the City of Cambridge zoning laws. However, the design of the New Facility is not subject to such zoning laws or other local land use laws.

C.13.8 QUESTION:

Article VI, Paragraph 1

Please confirm that to the extent that an intended zoning change may be a condition precedent to a particular design for the New Facility, the Government will be cooperative with respect to such zoning for the New Facility. Please confirm that the Government's reasonable cooperation with respect to zoning includes reasonable cooperation post-Closing.

ANSWER:

Consistent with 40 U.S.C. 3312(c) the New Facility shall be designed taking into consideration the requirements (except procedural requirements) of the City of Cambridge zoning laws. However, the design of the New Facility is not subject to such zoning laws or other local land use laws.

C.13.9 QUESTION:

RFP, Page 24, section F.4.1(a), paragraph 1: Will the New Facility be subject to the Kendall Square Urban Renewal plan, due to its siting within the KSUR plan area?

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ANSWER:

No, the New Facility will not be subject to the Kendall Square Urban Renewal Plan.

C.14 Project Management Plan

C.14.1 QUESTION:

RFP F.4.2(d)

With respect to contracting for the construction of the New Facility, does the Government prefer the developer to use (1) a design/build approach (developer retains general contractor who retains the design team) or (2) a more traditional approach (developer retains the design team and the general contractor separately)?

ANSWER:

The Government does not have a preference. The Respondent shall determine the best approach when responding to RFP Section F.4.2(d).

C.14.2 QUESTION:

RFP F.4.2(d)

With respect to design and construction of the New Facility, is it acceptable to propose design/build for the mechanical and electrical systems or does the Government prefer that the MEP engineers for the project be considered and retained as part of the “second step” design team selection process?

ANSWER:

Refer to RFP Appendix L. All Key Personnel of the three design teams will be evaluated and selected in the Stage 2 design selection process.

C.14.3 QUESTION:

RFP F.4.2(e)

Can you please elaborate on what is to be provided in the Risk Register? Is this simply a list of the major risk to delivery of the facility?

ANSWER:

The Risk Register shall include all major risks to the delivery of the New Facility as determined by the Respondent.

C.14.4 QUESTION:

RFP F.4.2 (g)

Communication Plan: “The Respondent shall provide a communication plan specific to development of the New Facility. The communication plan shall identify target stakeholders, including federal government, local government and community organizations and neighbors, and means of communication as well as key messages.” Question: Please elaborate on the intent of this communication. Is the intent to keep the community aware of the progress of the building or to highlight the benefits of the facility to the public?

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ANSWER:

See changes to RFP Section F.4.2(g) in RFP Amendment 01: “The Respondent shall provide a communication plan specific to development of the New Facility. The communication plan shall identify target stakeholders of the federal government. The communication plan shall also include keeping local government, community organizations and neighbors aware of the progress of the building, to the extent required by projects of similar size and urban context. The communication plan shall show means and frequency/timing of communication as well as key messages.”

C.14.5 QUESTION:

Section F.4.2 Tab 2 – Subfactor 2: Project Management Plan; Paragraph I; Section 1 (Page 26 of RFP)

Please clarify “Respondent’s relationship to the Government”. Does Government in this context mean the Government as a client to receive design and construction services to deliver the New Facility?

ANSWER:

Yes, the Government in this context is the U.S. General Services Administration. The Respondent shall demonstrate how the Government, as the client to the design and construction of the New Facility, will be connected to the Respondent’s proposed project team.

C.14.6 QUESTION:

RFP, Page 26, section F.4.2. j.1, paragraph 1: What is the Government’s target date for final completion?

ANSWER:

The Government’s target date for Final Completion of the Work will be determined by the proposal of the selected Respondent.

C.15 Proposed Gross Offer

C.15.1 QUESTION:

Will the Government accept a Proposed Gross Offer structure that utilizes a fixed amount that is correlated to an estimate of the potential development rights (gross floor area) with an increase in the Proposed Gross Offer for every additional GFA of development rights are achieved? The fixed price would not be able to decrease but would be able to increase with the achieved zoning.

ANSWER:

No. The Government will only consider proposals that are responsive to the transaction structure described in the RFP, which does not permit a contingency scenario such as the one described in this question.

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C.15.2 QUESTION:

RFP G.1

Basis if Award (a) bullet number four, lists two evaluation criteria: Proposed Gross Offer and Risk. Please elaborate on what respondents are intended to address in the Risk section. For example, is this the risk that the cost of the new facility will exceed the cost of the proposed gross offer or some other type of risk?

ANSWER:

As stated in the Proposal Instructions, RFP Section F.6, Respondents shall submit only a completed Proposed Gross Offer Form included in the RFP as Appendix K. Based on this submission, the Government will evaluate the total evaluated price and risk as described in RFP Section G.6(a) and (b).

GROUP D: RFP APPENDIX A: DRAFT EXCHANGE AGREEMENT

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b(5)

b(5)

b(5)

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D.3 b(5) [REDACTED]

D.3.1 b(5) [REDACTED]
[REDACTED]
[REDACTED]

D.3.2 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

D.3.3 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

D.3.4 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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D.4 b(5) [REDACTED]

D.4.1 b(5) [REDACTED]

D.4.2 b(5) [REDACTED]

D.5 b(5) [REDACTED]

D.5.1 b(5) [REDACTED]

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b(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D.6 b(5) [REDACTED]

D.6.1 b(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D.6.2 b(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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D.6.3

b(5)

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D.6.4

b(5)

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D.6.5

b(5)

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D.7 **b(5)**

D.7.1 b(5)

D.7.2 [REDACTED] b(5)

D.7.3 (b)(5) [REDACTED]

D.7.4 b(5) [REDACTED]

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b(5) [REDACTED]

D.7.5 b(5) [REDACTED]

[REDACTED]

D.7.6 b(5) [REDACTED]

[REDACTED]

[REDACTED]

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D.7.7

b(5)

[REDACTED]

[REDACTED]

D.7.8

b(5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D.7.9

b(5)

[REDACTED]

b(5)

[REDACTED]

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b(5) [REDACTED]

D.8 b(5) [REDACTED]

D.8.1 b(5) [REDACTED]

D.8.2 b(5) [REDACTED]

D.8.3 b(5) [REDACTED]

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D.8.4 b(5) [REDACTED]

[REDACTED]

[REDACTED]

D.9 b(5) [REDACTED]

D.9.1 b(5) [REDACTED]

[REDACTED]

[REDACTED]

D.10 b(5) [REDACTED]

D.10.1 b(5) [REDACTED]

[REDACTED]

[REDACTED]

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D.11 b(5) [REDACTED]

D.11.1 b(5) [REDACTED]

D.11.2 b(5) [REDACTED]

D.11.3 b(5) [REDACTED]

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b(5) [REDACTED]

D.11.4 b(5) [REDACTED]

[REDACTED]

D.12 b(5) [REDACTED]

D.12.1 b(5) [REDACTED]

[REDACTED]

D.12.2 b(5) [REDACTED]

[REDACTED]

D.12.3 b(5) [REDACTED]

[REDACTED]

D.13 **b(5)**

D.13.1 [REDACTED] b(5)

D.13.2 b(5)

D.13.3 (b)(5) [REDACTED]

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D.14 b(5) [REDACTED]

D.14.1 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

D.15 b(5) [REDACTED]

D.15.1 b(5) [REDACTED]
[REDACTED]
[REDACTED]

D.15.2 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

D.15.3 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

D.15.4 b(5) [REDACTED]
[REDACTED]

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b(5) [REDACTED]

D.15.5 b(5) [REDACTED]

[REDACTED]

D.15.6 b(5) [REDACTED]

D.16 b(5) [REDACTED]

D.16.1 b(5) [REDACTED]

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D.16.2 b(5)

[REDACTED]

D.17 b(5)

[REDACTED]

D.17.1 b(5)

[REDACTED]

D.17.2 b(5)

[REDACTED]

D.17.3 b(5)

[REDACTED]

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b(5) [REDACTED]

D.17.4 **b(5)** [REDACTED]

[REDACTED]

D.18 **b(5)** [REDACTED]

D.18.1 **b(5)** [REDACTED]

GROUP E: RFP APPENDIX J & COST ESTIMATING QUESTIONS

E.1.1 QUESTION:

Assuming that all estimates of cost for the proposed New Facility are based upon specifications as stated in the RFP, SOW and POR, if there are alternatives to the cost estimation based on construction options (façade materials, etc.) would the GSA and DOT prefer to see those options called out in the RFP response thus providing a range of values for the estimated cost of the project and resulting Equalization Payment?

ANSWER:

No. The Respondent shall include in its estimate for the cost of the proposed New Facility the alternative the Respondent believes best meets the Government's requirements.

E.1.2 QUESTION:

RFP F.4.3(b), 28

Please provide a copy or link to FAR Part 31 that is referenced in RFP in section F.4.3 (b) on page 28.

ANSWER:

FAR Part 31 can be accessed at <https://www.acquisition.gov/?q=/browse/far/31>.

E.2 Use of RFP Appendix J Cost Estimating Worksheet

E.2.1 QUESTION:

Does cost of work estimate need to be submitted on the Appendix J form or can contractors estimate be used to provide detail matching summary level detail at Uniformat 3 provided in Cost Worksheet?

ANSWER:

No, the provided Cost Estimating Workbook should be used.

E.2.2 QUESTION:

Appendix J – ASTM Uniformat Detail – Please confirm that the following WI Codes are not applicable to this project: 1,3,4,9, and 18.

ANSWER:

WI codes are not required on this project.

E.2.3 QUESTION:

Appendix J – ASTM Uniformat Detail – Please indicate which rooms in the POR will need to be tagged with the WI Code #5. Is it all the JU-x rooms only?

ANSWER:

WI codes are not required on this project.

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E.3 Inclusion of Costs

E.3.1 QUESTION:

RFP, Page 28, Section F.4.3.a.5, paragraph 1: Please confirm that the Target Fee Percentage is the variable on the Initial Pricing Form that encompasses three important additional categories of soft (indirect) development costs: (i) financing costs incurred during construction of the New Facility, (ii) actual overhead costs and third party expenses of the Exchange Partner and its desired profit for managing the design and construction of the New Facility, and (iii) all other project-related third-party costs (e.g., insurance, consulting, legal, etc.)? There does not appear to be another line where these costs should be included.

ANSWER:

- i) Fee shall include proposed indirect costs for the Delivery of the New Facility that are in accordance with FAR Part 31. For example, FAR 31.205-20 does not allow “cost of financing.” Therefore, it cannot be included as a component of the Fee. However, the Government would fully expect that unallowable costs that the Respondent expects to incur be reflected in its Proposed Gross Offer.**
- ii) By nature of fixing the Fee amount, the Exchange Partner has full responsibility for the actual indirect costs, actual overhead cost, and resulting profit (or loss) during the Delivery of the New Facility.**
- iii) Third-party direct costs should be added into the Cost Estimating Workbook as the Respondent determines appropriate (Note: the Excel form was intentionally left “open” to editing).**

E.3.2 QUESTION:

With respect to the Estimated Total Project Cost (ETPC) spreadsheet included and referenced on Appendix J, please confirm that in addition to design and construction costs, developer soft costs related to the design and construction of the New Facility are to be included as part of the ETPC.

ANSWER:

Yes, all costs are to be included on the Cost Estimating Workbook to total the ETPC. The Cost Estimating Workbook was left unprotected in Excel so rows can be added as needed to cover these types of costs. See also the response to Question E.3.1.

E.3.3 QUESTION:

With respect to the “design phase costs”, please confirm that these costs should include all project costs related to the New Facility that will be incurred during the design phase even if they are not design costs (such as the general contractor’s pre-construction costs, legal fees and other developer soft costs).

ANSWER:

The non-design costs incurred can be listed below the Design and Management Section. They can be labeled pre-construction costs. All project costs should be identified and labeled for ease of identification. See also the response to Question E.3.1.

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E.3.4

b(5)

[REDACTED]

E.3.5

b(5)

[REDACTED]

E.4 Interior Construction

E.4.1

b(5)

[REDACTED]

E.4.2

b(5)

[REDACTED]

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b(5)

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E.5 Optional Allowance for FF&E

E.5.1

b(5)

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E.5.2

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E.5.3

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E.5.4

b(5)

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E.5.5

b(5)

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b(5) [REDACTED]

E.5.6

b(5) [REDACTED]

E.5.7

b(5) [REDACTED]

E.5.8

b(5) [REDACTED]

E.5.9

b(5) [REDACTED]

E.6 Optional Allowance for Relocation Services

E.6.1

b(5) [REDACTED]

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b(5)

E.6.2

b(5)

E.6.3

b(5)

E.6.4

b(5)

E.7 Evaluation

E.7.1 QUESTION:

RFP G.4.3(a and b), 36

RFP page 36 section G4.3 (a and b) reference an IGE being used to compare Respondents estimate to. What site plan will the IGE be using for their estimate?

ANSWER:

The Respondent's cost estimate for the New Facility should reflect a clear understanding of the requirements in the Exchange Agreement and SOW and be consistent with the site plan, massing plan, and project management plan described in the Respondent's proposal. The Government's IGE reflects the cost of the New Facility for a generic site. The Government will consider the fact that different site plans will produce different costs when making a comparison to the IGE.

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E.7.2 QUESTION:

RFP, Page 28, Section F.4.3.a.5, paragraph 1: Will a respondent be rewarded (or penalized) if – all else being equal – its assumed overhead and profit is higher (or lower) than a competitor's and that difference in overhead and profit results in a higher (or lower) Gross Offer Price?

ANSWER:

The estimated costs for Design Phase Services and Delivery of the New Facility, including all cost elements, which includes Fee per RFP Section F.4.3(a)(5), will be evaluated in strict accordance with RFP Section G.4.3. The Proposed Gross Offer will be evaluated in strict accordance with RFP Section G.6.

E.7.3 QUESTION:

RFP Section F.6 "Volume V – Price Factor: Proposed Gross Offer." Page 30

For the price factor, utilizing only the Proposed Gross Offer does not accurately reflect the value provided to the Government. Unless fees (developer, contractor) are netted out of the Proposed Gross Offer, then two proposals with the same Gross Offer will not provide equal dollars to the Government unless the fees are also equal. Alternatively, the price factor as structured incentivizes offerors to set fees as high as possible and then use a portion of these fees to increase the price. Such an offer would result in an additional credit on the price factor without any corresponding benefit to the Government. Although the RFP requires that proposed fees be reasonable, there is no requirement that they be equal and there is clearly a range within which fees could be considered reasonable.

ANSWER:

The estimated costs for Design Phase Services and Delivery of the New Facility, including all cost elements, will be evaluated in strict accordance with RFP Section G.4.3. As stated in RFP Section G.4.3, "Respondents are advised that a business decision to submit a high or low estimate will be considered as reflecting on their understanding and/or indicating the risk associated with their proposals." This includes the proposed Target Fee Percentage. Note that RFP Section F.4.3(a)(5) requires the Respondent to not only propose a Target Fee Percentage, but also "provide backup information clearly supporting how this fee was derived and what elements are included in this fee."

The Government reserves the right to negotiate the included Target Fee Percentage prior to selection of the Exchange Partner, in accordance with RFP Section E.2(d). In addition, after the Proposed Gross Offer has been accepted and the joint Design Team selection has been made, the Government and the selected Respondent will negotiate the Target Fee Percentage for the Delivery of the New Facility. The selected Respondent will NOT have an opportunity to adjust its Proposed Gross Offer based on the outcome of this negotiation. In the event that the parties cannot successfully negotiate the Target Fee Percentage for the Delivery of the New Facility, the Government reserves the right to select another Respondent.

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GROUP F: SECURITY QUESTIONS

F.1.1 b(5)

[REDACTED]

F.1.2 b(5)

[REDACTED]

F.2 b(5)

[REDACTED]

F.2.1 b(5)

[REDACTED]

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b(5) [REDACTED]

F.2.2 **b(5)** [REDACTED]

[REDACTED]

F.2.3 **b(5)** [REDACTED]

[REDACTED]

F.2.4 **b(5)** [REDACTED]

[REDACTED]

F.2.5 **QUESTION:**

b(5) [REDACTED]

[REDACTED]

F.2.6 **b(5)** [REDACTED]

[REDACTED]

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b(5) [REDACTED]

F.2.7

b(5) [REDACTED]

F.3

b(5) [REDACTED]

F.3.1

b(5) [REDACTED]

F.3.2

b(5) [REDACTED]

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F.3.3

b(5)

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F.3.4

b(5)

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F.4

b(5)

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F.4.1

b(5)

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F.4.2

b(5)

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F.4.3

b(5)

[REDACTED]

[REDACTED]

F.4.4

b(5)

[REDACTED]

[REDACTED]

[REDACTED]

F.4.5

b(5)

[REDACTED]

[REDACTED]

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F.4.6 b(5) [REDACTED]

F.5 b(5) [REDACTED]

F.5.1 b(5) [REDACTED]

F.5.2 b(5) [REDACTED]

F.5.3 b(5) [REDACTED]

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F.6 b(5) [REDACTED]

F.6.1 b(5) [REDACTED]

[REDACTED]

F.6.2 b(5) [REDACTED]

[REDACTED]

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F.6.3 b(5) [REDACTED]

F.7 b(5) [REDACTED]

F.7.1 b(5) [REDACTED]

F.8 b(5) [REDACTED]

F.8.1 b(5) [REDACTED]

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b(5) [REDACTED]

F.8.2

b(5) [REDACTED]

[REDACTED]

[REDACTED]

F.8.3

b(5) [REDACTED]

[REDACTED]

F.9

b(5) [REDACTED]

F.9.1

b(5) [REDACTED]

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b(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F.9.2

b(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F.9.3

b(5) [REDACTED]

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b(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

F.10 **b(5)** [REDACTED]

F.10.1 **b(5)** [REDACTED]

[REDACTED]

F.10.2 **b(5)** [REDACTED]

[REDACTED]

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GROUP G: GENERAL SITE QUESTIONS

G.1.1 b(5) [REDACTED]

G.1.2 b(5) [REDACTED]

G.2 b(5) [REDACTED]

G.2.1 b(5) [REDACTED]

G.2.2 b(5) [REDACTED]

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b(5) [REDACTED]

[REDACTED]

[REDACTED]

G.2.3

b(5) [REDACTED]

[REDACTED]

[REDACTED]

G.2.4

b(5) [REDACTED]

[REDACTED]

G.3

b(5) [REDACTED]

G.3.1

b(5) [REDACTED]

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b(5) [REDACTED]

G.3.2 **b(5)** [REDACTED]

G.3.3 **b(5)** [REDACTED]

G.3.4 **b(5)** [REDACTED]

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GROUP H: GENERAL BUILDING QUESTIONS

H.1.1 b(5)

[REDACTED]

H.1.2 b(5)

[REDACTED]

H.1.3 b(5)

[REDACTED]

H.1.4 b(5)

[REDACTED]

H.1.5 b(5)

[REDACTED]

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b(5) [REDACTED]

H.1.6 **b(5)** [REDACTED]

[REDACTED]

H.2 **b(5)** [REDACTED]

H.2.1 **b(5)** [REDACTED]

[REDACTED]

H.2.2 **b(5)** [REDACTED]

[REDACTED]

H.2.3 **b(5)** [REDACTED]

[REDACTED]

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H.3 b(5)

H.3.1 b(5)

H.3.2 b(5)

H.4 b(5)

H.4.1 b(5)

H.4.2 b(5)

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GROUP I: MECHANICAL & ELECTRICAL QUESTIONS

I.1.1

b(5)

[REDACTED]

I.1.2

b(5)

[REDACTED]

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b(5)

[REDACTED]

[REDACTED]

[REDACTED]

I.1.3

b(5)

[REDACTED]

[REDACTED]

I.1.4

b(5)

[REDACTED]

[REDACTED]

GROUP J: GENERAL PROGRAM OF REQUIREMENTS QUESTIONS

J.1 b(5)

J.1.1 b(5)

J.1.2 b(5)

J.1.3 b(5)

J.2 b(5)

J.2.1 b(5)

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J.3

b(5)

J.3.1

b(5)

J.3.2

b(5)

J.3.3

b(5)

J.3.4

b(5)

J.3.5

b(5)

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b(5)

J.3.6

b(5)

J.3.7

b(5)

J.3.8

b(5)

J.3.9

b(5)

J.3.10

b(5)

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b(5) [REDACTED]

J.3.11

b(5) [REDACTED]

[REDACTED]

J.3.12

b(5) [REDACTED]

[REDACTED]

J.3.13

b(5) [REDACTED]

[REDACTED]

J.3.14

b(5) [REDACTED]

[REDACTED]

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J.3.15 b(5)

[REDACTED]

J.3.16 b(5)

[REDACTED]

J.3.17 b(5)

[REDACTED]

J.3.18 b(5)

[REDACTED]

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b(5) [REDACTED]

J.3.19 **b(5)** [REDACTED]
[REDACTED]
[REDACTED]

J.3.20 **b(5)** [REDACTED]
[REDACTED]
[REDACTED]

J.3.21 **b(5)** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

J.3.22 **b(5)** [REDACTED]
[REDACTED]
[REDACTED]

J.3.23 **b(5)** [REDACTED]
[REDACTED]
[REDACTED]

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J.3.24 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

J.3.25 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

J.3.26 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

J.3.27 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

J.3.28 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

J.3.29 b(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

J.3.30 b(5) [REDACTED]
[REDACTED]

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b(5) [REDACTED]

[REDACTED]

J.3.31 b(5) [REDACTED]

[REDACTED]

[REDACTED]

J.4 b(5) [REDACTED]

J.4.1 b(5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

J.4.2 b(5) [REDACTED]

[REDACTED]

[REDACTED]

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J.4.3 b(5) [REDACTED]

J.5 b(5) [REDACTED]

J.5.1 b(5) [REDACTED]

J.5.2 b(5) [REDACTED]

J.6 b(5) [REDACTED]

J.6.1 b(5) [REDACTED]

J.6.2 b(5) [REDACTED]

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b(5)

J.6.3

b(5)

J.6.4

b(5)

J.7

b(5)

J.7.1

b(5)

J.7.2

b(5)

J.7.3

b(5)

J.7.4

b(5)

J.7.5

b(5)

J.8

b(5)

J.8.1

b(5)

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b(5) [REDACTED]

J.9 b(5) [REDACTED]

J.9.1 b(5) [REDACTED]

J.9.2 b(5) [REDACTED]

J.9.3 b(5) [REDACTED]

J.9.4 b(5) [REDACTED]